

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIO SENTELLE CAVIN, LLC.,

Plaintiff,

v.

Case No. 1:11-CV-1370

Hon. Gordon J. Quist

DANIEL HEYNS, *et al.*,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was filed on July 30, 2012, and a copy was mailed to Plaintiff on July 31, 2012. On September 4, 2012, the Magistrate Judge entered an Order granting Plaintiff's motion for an extension of time to file objections to the Report and Recommendation and extending the time for Plaintiff to object to October 3, 2012. As of this date, no objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed July 30, 2012, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants Heyns and Anderson's Motion For Summary Judgment Based On Plaintiff's Failure To Exhaust Administrative Remedies (docket no. 22) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** with regard to Plaintiff's Eighth Amendment claim against Defendant Heyns but **denied** with regard to Plaintiff's Eighth Amendment claim against Defendant Anderson. The motion is further **denied** with regard to Plaintiff's equal protection claim against Defendant Heyns.

Dated: October 17, 2012

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE